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Attorneys for Plaintiff
ASHLEY WILSON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHLEY WILSON, as an individual and on behalf of all others similarly situated,)	Case No.: C09-03630 SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER TO VACATE ORDER
v.)	DISMISSING CASE AND SETTING
)	HEARING DATE ON MOTION FOR
KIEWIT PACIFIC CO., a corporation;)	PRELIMINARY APPROVAL
)	
Defendant.)	
)	

Pursuant to Civil Local Rules 7-12 and 16-2, it is hereby stipulated, by and between
ASHLEY WILSON ("Plaintiff") and KIEWIT PACIFIC CO. ("Defendant") (collectively the
"Parties"), through their respective undersigned counsel, as follows:

1 WHEREAS, a Settlement Conference in the above-captioned class action case occurred
2 on May 17, 2011 with Magistrate Judge James Larson;

3 WHEREAS, the Parties reached a provisional class action settlement agreement at the
4 Settlement Conference;

5 WHEREAS, on May 17, 2011, Judge Larson issued a Minute Entry confirming that the
6 case had settled at the Settlement Conference;

7 WHEREAS, on May 25, 2011, Judge Illston entered an Order Dismissing Case,

8 WHEREAS, on June 6, 2011, counsel for Plaintiff telephoned Judge Illston's clerk and
9 confirmed that this Order Dismissing Case was entered in error;

10 WHEREAS, the Parties wish to have this Order Dismissing Case vacated;

11 WHEREAS the Parties further wish to set the hearing date for the Motion for Preliminary
12 Approval of Class Action Settlement for August 19, 2011, at 9:00 a.m. or as soon thereafter as
13 the Parties may be heard;

14 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant,
15 through their respective undersigned counsel, that the Order Dismissing Case be vacated to allow
16 the Parties to move forward with the settlement approval process.

17 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant,
18 through their respective undersigned counsel, that the hearing date on the Motion for Preliminary
19 Approval of Class Action Settlement be scheduled for August 19, 2011, or as soon thereafter as
20 the Parties may be heard.

21 IT IS SO STIPULATED.

22 DATED: July 5, 2011

SEYFARTH SHAW LLP

23
24 By: /s/
25 Francis J. Ortman III
26 Ari Hersher
27 Attorneys for Defendant
28 KIEWIT PACIFIC CO.

1 DATED: July 5, 2011

LAW OFFICES OF PETER M. HART

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3 By: /s/
4 Kimberly A. Westmoreland
5 Attorney for Plaintiff
6 ASHLEY WILSON
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[PROPOSED] ORDER

The Parties having so stipulated, and GOOD CAUSE APPEARING
THEREFORE, IT IS HEREBY ORDERED that:

1. The Order Dismissing Case is hereby vacated;
2. The hearing on the Motion for Preliminary Approval of Class Action

Settlement is hereby set for ~~August 19~~, 2011, or 8/26/11, 2011, at _____
a.m./p.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 7/6/11



The Honorable Susan Illston
Judge of the United States District Court